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7 IN THE UNITED STATES DISTRICT COURT  
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 INNOVATION VENTURES, LLC, et al.,

No. C 12-05523 WHA

12 Plaintiffs,

13 v.

**ORDER DENYING MOTION  
FOR SANCTIONS AND  
VACATING HEARING**

14 PITTSBURG WHOLESALE GROCERS,  
15 INC., et al.,

16 Defendants.  
17 \_\_\_\_\_/

18 Defendants Pittsburg Wholesale Grocers, Inc. and Pacific Groservice, Inc. (“Pitco”) filed  
19 a motion for sanctions based on plaintiffs’ violation of a seizure order and a discovery order  
20 (Dkt. No. 86). Plaintiffs oppose on the merits and have also filed a motion to dismiss or stay the  
21 motion for sanctions (Dkt. 125). Plaintiffs argue that the merits of the motion for sanctions are  
22 intertwined with issues currently on appeal, and that this Court therefore lacks jurisdiction to  
23 decide the motion for sanctions.


24 Discovery in this action is ongoing. The equities of the motion for sanctions may be  
25 affected by the conduct of the parties and the development of the evidence as this action moves  
26 forward. Pitco’s motion is therefore **DENIED WITHOUT PREJUDICE**. Pitco is granted leave to re-  
27 file the motion after the close of evidence at trial when the factual record is complete.

28 Proceeding in this manner may obviate the jurisdictional issue raised in plaintiffs’ motion  
to dismiss or stay because the appeal may be decided in the interim. Although the court of

1 appeals has not yet set a date for oral argument, plaintiffs' appeal is fully briefed. For now,  
2 plaintiffs' motion to dismiss or stay is **DENIED AS MOOT**. The April 18 hearing is **VACATED**.

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4 **IT IS SO ORDERED.**

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6 Dated: April 10, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE